

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA BOARD OF PEACE OFFICERS STANDARDS AND TRAINING

In the Matter of the Disciplinary
Hearing Regarding the Peace Officer
License of William Bryan Palm,
License No. 12238

FINDINGS OF FACT,
CONCLUSIONS AND RECOMMENDATION

The above-entitled matter came duly on for a prehearing conference before Administrative Law Judge Howard L. Kaibel, Jr. on June 28, 1995 at 11 a.m. in Minneapolis, Minnesota. The record closed on June 28, 1995, at the close of the prehearing conference.

David E. Flowers, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, Minnesota 55103-2106, appeared on behalf of the Staff of the Board of Peace Officers Standards and Training. There was no appearance by or on behalf of the Respondent, William Palm.

NOTICE

This Report is a recommendation, not a final decision. The Board of Peace Officers Standards and Training will make the final decision after a review of the record which may adopt, reject, or modify the Findings of Fact, Conclusions of Law, and Recommendations contained herein. Pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact John Laux, Executive Secretary of the Board of Peace Officers Standards and Training, 1600 University Avenue, St. Paul, Minnesota 55104, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

Should the peace officer license of Respondent be suspended or revoked because of his conviction of a felony in violation of Minn. Rule 6700.1600(A)?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

-

-

FINDINGS OF FACT

1. On June 7, 1995, the Board Staff served a Notice of and Order for Hearing in this matter upon Respondent by mailing it to him by first class mail addressed to 3415 Federal Drive, #112, Eagan, Minnesota 55112.

2. There was no appearance by or on behalf of Respondent at the hearing in this matter.

3. The Notice of Hearing contained the following:

Respondent is urged to attend; failure to do so may prejudice his rights in this proceeding and any subsequent proceedings related to this matter and may result in the allegations contained herein being taken as true.

4. The allegations in the Notice of and Order for Hearing are hereby incorporated herein by reference as facts.

Based on the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Notice of and Order for Hearing is in all respects proper with regard to form, content, execution and filing.

2. That the Peace Officers Standards and Training Board has fulfilled all other relevant substantive and procedural requirements of law and rule.

3. That the Board duly acquired and now has jurisdiction over this proceeding.

4. That Respondent, having made no appearance at the hearing and not requesting any continuance or other relief, is in default.

5. That pursuant to Minn. Rule 1400.6000, the allegations contained in the Statement of Charges are hereby taken as true.

6. That Respondent has violated Minn. Rule 6700.1600(A).

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Peace Officers Standards and Training Board take disciplinary action against the peace officer license of William Bryan Palm.

Dated this 6th day of July, 1995

HOWARD L. KAIBEL, JR.
Administrative Law Judge

Reported: Default

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.